

ORDINANCE No. 47-014

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF THE COWSKIN CREEK CHANNEL FROM KELLOGG TO MAPLE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for improvement of the channel of the Cowskin Creek from Kellogg to Maple in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

A parcel of land lying in the Southwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter; thence on a Kansas South Zone Grid Bearing of N88°20'41"E along the North line of said Quarter, 922.00 feet to the Point of Beginning, said point being the Northeast Corner of Marshall Addition, Sedgwick County, Kansas; thence N88°20'41"E, 504.72 feet along said North line; thence S40°56'48"W, 54.34 feet; thence S32°07'28"W, 122.16 feet; thence S18°14'33"W, 420.54 feet to a point on a non-tangent curve to the left; thence along said curve 125.98 feet to the South line of the North 20 acres of said Southwest Quarter, said point lying on the North line of Miles Lakewood Village Second Addition, Wichita, Sedgwick County, Kansas, said curve having a Central Angle of 21°31'57", a radius of 335.22 feet, and a long chord of 125.24 feet, bearing S06°04'46"W; thence S88°20'41"W, 507.41 feet along said South line and said North line to the Southeast Corner of said Marshall Addition; thence N27°31'23"E, 510.91 feet along the East line of said Marshall Addition; thence N01°18'20"W, 95.00 feet along said East line; thence N06°44'34"E, 121.30 feet along said East line to the Point of Beginning.

A parcel of land lying in the Northwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas being more particularly described as follows:

Beginning at the Southeast corner of said Northwest Quarter; thence along the South line of said Northwest Quarter on a Kansas Coordinate System 1983 South Zone bearing of S88°20'41"W, 790.99 feet; thence N01°48'17"W, 150.00 feet; thence parallel with said South line N88°20'41"E, 489.50 feet; thence S43°38'09"E, 47.08 feet; thence parallel with said South line N88°20'41"E, 271.02 feet to a point on the East line of said Northwest Quarter, thence along said East line S01°20'32"E, 115.00 feet to the Point of Beginning

A parcel of land lying in the Northwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Northwest Quarter; thence along the North line of said Quarter on a Kansas Coordinate System 1983 South Zone bearing of S88°06'39"W, 641.18 feet; thence S36°07'45"W, 63.47 feet to the Point of Beginning, said point lying 50.00 feet South of said North line; thence continuing S36°07'45"W, 507.78 feet; thence N04°23'45"W, 92.76 feet; thence N47°39'39"E, 146.15 feet; thence N27°51'39"E, 244.81 to a point lying 50.00 feet South of said North line; thence parallel with and 50.00 feet South of said North line N88°06'39"E, 84.11 feet to the Point of Beginning.

A parcel of land lying in the Northwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

All of a parcel of land described in Deed Book 1312, Page 424, **EXCEPT**: Commencing at the Northeast Corner of said Northwest Quarter; thence along the East line of said Quarter on a Kansas Coordinate System 1983 South Zone Bearing of S01°20'32"E, 50.00 feet to the Point of Beginning; thence along said East line S01°20'32"E, 2605.54 feet to the Southeast Corner of said Northwest Quarter; thence along the South line of said Quarter S88°20'41"W, 790.99 feet; thence N01°48'17"W, 204.33 feet; thence N34°10'03"E, 204.39 feet; thence N28°04'30"E, 182.27 feet to a point on a non-tangent curve to the left; thence along said curve 432.21 feet, said curve having a central angle of 30°04'00", a radius of 823.64, and a long chord of 427.27, bearing N08°16'03"E; thence N07°57'09"W, 133.29 feet; thence N12°23'43"W, 127.98 feet to a point on a non-tangent curve to the left; thence along said curve 446.51 feet, said curve having a central angle of 32°19'05", a radius of 791.60 feet, and a long chord of 440.61 feet, bearing N29°37'34"W; thence N45°50'33"W, 227.22 feet to a point on a non-tangent curve to the right; thence along said curve 137.12 feet, said curve having a central angle of 37°47'23", a radius of 207.90 feet, and a long chord of 134.65 feet, bearing N23°30'10"W; thence N04°23'45"W, 410.05 feet to a point on the West line said parcel described in said Deed Book and said Page, said point also lying on the East line of a parcel of land described on Film 1212, Page 651; thence N47°39'39"E, 146.15 feet along the line common to said parcels of land; thence N27°51'39"E, 244.81 feet along said common line to a point lying 50.00 feet South of the North line of said Quarter; thence parallel with said North line N88°06'39"E, 763.90 feet to the Point of Beginning. **AND EXCEPT** all that portion of said parcel in Deed Book 1312, Page 424 platted as The Dell, Sedgwick County, Kansas.

And a permanent easement for the construction, maintenance, and repair storm water sewer and related facilities in and to the following-described tract, to-wit:

A parcel of land lying in the Northwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas being more particularly described as follows:

Commencing at the Southeast corner of said Northwest Quarter; thence along the East line of said Northwest Quarter on a Kansas Coordinate System 1983 South Zone bearing of N01°20'32"W, 115.00 feet; thence S88°20'41"W parallel with the South line of Said Northwest Quarter, 11.68 feet to the Point of Beginning; thence continuing S88°20'41"W, 10.00 feet; thence N01°16'16"W, 943.75 feet; thence N88°43'44"E, 20.51 feet to a point on said East line; thence S01°20'32"E along said East line 40.00 feet; thence S88°43'44"W, 10.56 feet; thence S01°16'16"E, 91.32 feet; thence N88°43'44"E, 10.68 feet to a point on said East line; thence S01°20'32"E along said East line, 40.00 feet; thence S88°43'44"W, 10.73 feet; thence S01°16'16"E, 54.48 feet; thence N88°43'44"E, 10.79 feet to a point on said East line; thence S01°20'32"E along said East line, 40.00 feet; thence S88°43'44"W, 10.84 feet; thence S01°16'16"E, 677.89 feet to the Point of Beginning.

And temporary construction easements for placement of fill, drainage construction, and access in and to the following-described tracts, to-wit:

A parcel of land lying in the Northwest Quarter of Section 29, Township 27 South, Range 1 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Northwest Quarter; thence along the East line of said Quarter on a Kansas Coordinate System 1983 South Zone bearing of N01°20'32"W, 115.00 feet to the Point of Beginning; thence S88°20'41"W parallel with the South line of said Quarter, 271.02 feet; thence N43°38'09"W, 47.08 feet; thence S88°20'41"W parallel with said South line, 489.50 feet; thence N01°48'17"W, 54.33 feet; thence N34°10'03"E, 204.39 feet; thence N28°04'30"E, 182.27 feet to a point on a non-tangent curve to the left; thence along said curve 432.21 feet, said curve having a central angle of 30°04'00", a radius of 823.64, and a long chord of 427.27, bearing N08°16'03"E; thence N07°57'09"W, 133.29 feet; thence N12°23'43"W, 127.98 feet to a point on a non-tangent curve to the left; thence along said curve 446.51 feet, said curve having a central angle of 32°19'05", a radius of 791.60 feet, and a long chord of 440.61 feet, bearing N29°37'34"W; thence N45°50'33"W, 227.22 feet to a point on a non-tangent curve to the right; thence along said curve 137.12 feet, said curve having a central angle of 37°47'23", a radius of 207.90 feet, and a long chord of 134.65 feet, bearing N23°30'10"W; thence N04°23'45"W, 317.29 feet; thence N36°07'45"E, 507.78 feet to a point lying 50.00 feet South of the North line of said Quarter; thence N88°06'39"E parallel with said North line, 679.79 feet to a point lying on said East line; thence S01°20'32"E along said East line, 2490.53 feet to the Point of Beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence

proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 25th day of April, 2006.

**CITY OF WICHITA**

---

Carlos Mayans, Mayor

**ATTEST:**

---

Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

---

Gary E. Rebenstorf, Director of Law